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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,306	10/24/2003	Kazuo Kuroda	3577-177 Cont.	1491
29540	7590	03/24/2005	EXAMINER	
PITNEY HARDIN LLP 7 TIMES SQUARE NEW YORK, NY 10036-7311			HINDI, NABIL Z	
			ART UNIT	PAPER NUMBER
			2655	

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/693,306

Applicant(s)

KURODA ET AL.

Examiner

NABIL Z HINDI

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 13-31 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 13-31 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

In response to applicant's amendment dated Jan. 24, 2005. The following action is taken:

The claims are rejected for the same reasons set forth in the previous office action repeated herein for applicant's convenience.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujie et al (5528569).

The independent claims read on recording dummy information at the beginning or end of a data block (ECC data unit) and the user data recording is interleaved within the dummy data at the beginning or end of the data block. Basically the independent claims read on interleaving the start of user data recording within the dummy data at the end or beginning of the data block. The reference shows an optical disk recording and reproducing apparatus comprising a plurality of ECC data blocks CK-1, CK-2...etc, each of the data blocks having 32 data sectors, the data blocks having dummy data at the end thereon (link sectors I1-I5) in order to interleave the user data when recording on the disk.

With respect to the limitations of claims 14 and 18, the dummy information is interleaved with RUN-IN and RUNOUT dummy data when recording the new information interleaved with the old data.

With respect to the limitations of claims 15 and 19, The claim does not recite the length of the total data amount. Such limitation read on any range of numbers. The reference shows the use of 1.1 sector as an interleave range see column 10 lines 1-20 meeting the claimed invention.

With respect to the limitations of claims 16 and 20, The reference discloses the use of interleaving old data with new data on the disk by using dummy data.


With respect to the limitations of claims 22, 23, 25-27 and 29-31 see fig 3. see also column 10 lines 22-30 regarding the address (ID) data.

Applicant's arguments filed Jan 24, 2005 have been fully considered but they are not persuasive. In response to applicant's argument drawn to the reference showing the use of linking sectors exclusively for recording dummy data. The argument is moot since the reference is drawn to interleaving the old data with the new data, the use of linking sectors in order to interleave data during a rewrite operation is cited in column 3 lines 1-27 and column 10 lines 1-21. Applicant's argument drawn to having the dummy information with the data unit. Such argument is not supported in the claimed invention, as shown in figs 5 and 7 elements 42 and 44 are recorded outside the data unit and not inside as argued by applicant.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to NABIL Z HINDI at telephone number (571) 272-7618.

  
NABIL HINDI  
PRIMARY EXAMINER  
GROUP 2500  
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